



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,352	10/16/2001	George Henry Ahrens JR.	AUS920010760US1	4236

7590 01/30/2006

Duke W. Yee
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380

EXAMINER

TANG, KAREN C

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,352

Applicant(s)

AHRENS ET AL.

Examiner

Karen C. Tang

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments, see page 10, filed 11/16/05, with respect to Claims 1-27 have been fully considered and are persuasive. The rejection of Claims 1-27 has been withdrawn.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 10, and 19 recite the limitation "said service partition system" and "said computer system" in Claims 1, 10, and 19, third limitation "...in response to an absence of said..." and in the preamble. There is insufficient antecedent basis for this limitation in the claim.

Claims 5, 14, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, "during a particular period time".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art, "Description of Related Art" within the Specification) in view of Quinlan (US 20020021671).

1. Referring to Claims 1, 10, and 19, AAPA disclosed a method in a data processing system including a logically partitioned computer system and a hardware management console, said hardware management console being a stand-alone system separate from said computer system, a service application being executable by said hardware management console for managing service and placing service calls for said logically partitioned computer, said method comprising the steps of:

including a service partition and a service processor within said logically partitioned computer system (refer to page 2);

monitoring, by said service processor, a presence of said service application executing on said hardware management console (refer to page 2);

AAPA did not expressly indicate the response to an absence of service application to system administrator of said service partition.

Quinlan disclosed response to an absence of service application to system administrator of said service partition (there must be an user/administrator at the end to device B to response to the error message, refer to 0051-0057).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan to response to an absence of service application to system administrator of said service partition.

Art Unit: 2151

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

2. Referring to Claims 2, 11 and 20, AAPA disclosed the service processor and service partition (refer to page 2)

AAPA did not disclose comprising the step of reporting, from said service processor, said absence of said service application said service partition.

Quinlan disclosed reporting from the service processor, said absence of said service application said service partition (refer to 0051-0057).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan to response to an absence of service application to system administrator of said service partition.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

3. Referring to Claims 3, 12, and 21, AAPA disclosed comprising outputting a signal from said service application utilizing said hardware management console said service processor (refer to page 2);

AAPA did not expressly indicate detecting absence of service application.

Quinlan disclosed detecting absence of service application (refer to 0051-0057).

Art Unit: 2151

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan to response to an absence of service application to system administrator of said service partition.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

4. Referring to Claims 4, 13, and 22, AAPA did not disclose: determining that service application is absent in response to absence of said signal.

Quinlan disclosed determining that service application is absent in response to absence of said signal (refer to 0051-0056)

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan to response to an absence of service application to system administrator of said service partition.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

5. Referring to Claims 5, 14, and 23, AAPA did not disclosed comprising the step of determining that said service application absent response and absence of said signal during a particular period time.

Art Unit: 2151

Quinlan disclosed determining that said service application absent response and absence of said signal during a particular period time (refer to 0051-0056).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan to response to an absence of service application to system administrator of said service partition.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

6. Referring to Claims 6, 15, 24 are AAPA did not disclose the system comprises:

displaying a message utilizing said service partition prompting said system administrator of said service partition to check whether said hardware management console is connected to said logically partitioned computer system;

receiving an entry in response to said message; and

in response to an entry that said hardware management console is disconnected from said logically partitioned computer system, displaying a message to said system administrator to reconnect said hardware management console to said logically partitioned computer system.

Quinlan disclosed displaying a message utilizing said service partition prompting said system administrator of said service partition to check whether said hardware management console is connected to said logically partitioned computer system (refer to 0051-0056);

receiving an entry in response to said message (refer to 0051-0056) ; and

Art Unit: 2151

in response to an entry that said hardware management console is disconnected from said logically partitioned computer system, displaying a message to said system administrator to reconnect said hardware management console to said logically partitioned computer system (refer to 0051-0056).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan sent the message to administrator indicate the connectionless status between the logically partitioned computer system with the hardware management console.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

7. Referring to Claim 7, 16, and 25, AAPA did not disclose in response to an entry of a message that said hardware management console is connected to said logically partitioned computer system, displaying a message utilizing said service partition prompting said system administrator to check physical links between said hardware management console and said logically partitioned computer system;

receiving an entry in response to said message; and

in response to an entry that said physical links are not intact, displaying a message utilizing said service partition prompting said system administrator or reestablish said physical links between said hardware management console and said logically partitioned computer system.

Quinlan disclosed in response to an entry of a message that said hardware management console is connected to said logically partitioned computer system, displaying a message utilizing said

Art Unit: 2151

service partition prompting said system administrator to check physical links between said hardware management console and said logically partition computer system (refer to 0051-0056);

receiving an entry in response to said message (refer to 0051-0056); and

in response to an entry that said physical links are not intact, displaying a message utilizing said service partition prompting said system administrator or reestablish said physical links between said hardware management console and said logically partitioned computer system (refer to 0051-0056).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan that the administrator place the service call due to the problem in physical link.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

8. Referring to Claims 8, 17, and 26, AAPA did not response to an entry that said physical links are intact, displaying a message utilizing service partition prompting said system administrator to manually place a service call.

Quinlan disclosed response to an entry that said physical links are intact, displaying a message utilizing service partition prompting said system administrator to manually place a service call (the administrator must place the service call to fix the physical link, refer to 0051-0056).

Art Unit: 2151

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan that the administrator place the service call due to the problem in physical link.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

9. Referring to Claims 9, 18 and 27, AAPA disclosed not displaying a message utilizing said service partition prompting said system administrator to check physical links between said hardware management console and said logically partitioned computer system; receiving an entry to response to said message; and

in response to an entry that said physical links are not intact, displaying a message utilizing said service partition prompting said system administrator to reestablish said physical links between said hardware management console and said logically partitioned computer system.

Quinlan disclosed displaying a message utilizing said service partition prompting said system administrator to check physical links between said hardware management console and said logically partitioned computer system (refer to 0051-0056);

receiving an entry to response to said message (refer to 0051-0056); and

in response to an entry that said physical links are not intact, displaying a message utilizing said service partition prompting said system administrator to reestablish said physical links between said hardware management console and said logically partitioned computer system (refer to 0051-0056).

Art Unit: 2151

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Quinlan that the administrator place the service call due to the problem in physical link.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

Conclusion

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/978,352
Art Unit: 2151

Page 11

KT
Karen Tang
1/16/05

LARRY D. DONAGHUE
PRIMARY EXAMINER